

## EXHIBIT 22

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1  
IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

DANIEL KANG,	}	CIVIL ACTION NO.:
Plaintiff,		4:21-CV-111-WTM-CLR
v.		
THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH and ROY W. MINTER, JR., Chief of Police for the City of Savannah, Georgia, in his Individual and Official Capacities,		
Defendants.		

DEPOSITION OF  
PATRICK MONAHAN  
  
April 13, 2023  
3:34 p.m.  
218 West State Street  
Savannah, Georgia  
  
Myaju P. Jones, RPR, CCR-B-1422



P.O. Box 14515 (31416)  
7505 Waters Avenue, F3  
Savannah, GA 31406

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1	<b><u>APPEARANCES OF COUNSEL</u></b>	2
2	<b>On behalf of the Plaintiff:</b>	
3	BRENT J. SAVAGE, Esq. Savage Turner 102 East Liberty Street 5th Floor Savannah, Georgia 31401	
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7	<b>On behalf of the Defendant The Mayor and Aldermen of the City of Savannah:</b>	
8	PATRICK T. O'CONNOR, Esq. PATRICIA T. PAUL, Esq. Oliver Maner 218 West State Street Savannah, Georgia 31401	
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12	<b>On behalf of the Defendant Roy W. Minter, Jr.:</b>	
13	SHAWN A. KACHMAR, Esq. Hunter Maclean 200 East St. Julian Street Savannah, Georgia 31401	
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16	<b>Also Present:</b> Daniel Kang Octavio Arango Stephens Preston Jessica Savage	
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1	<b>(Reporter disclosure made pursuant to Article 10.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia.)</b>	4
2	MR. SAVAGE: Why don't we just usual stipulation and swear in Mr. Monahan. I'll be happy to cover him for his time. He shouldn't have to show up at my request all the time.	
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5	MR. O'CONNOR: He's here as a fact witness. We'll agree to the same stipulations we've been doing in these depositions and he will read and sign. You can just send it to me.	
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1 office met with the FBI in Savannah to go over  
 2 whether Minter should be hired and told former city  
 3 manager Hernandez -- Hernandez told them it was too  
 4 late to go into these problems that the FBI had  
 5 voiced from the Peoria, Arizona office about Minter  
 6 to the FBI in Savannah because they had already  
 7 obligated themselves to hire Minter?

8 A. No, sir, I was not aware. As you pointed  
 9 out, Mr. Hernandez preceded me, and in my four days I  
 10 sat with him, he never mentioned it once.

11 Q. That never came up in any conversations  
 12 with anybody at the City that, you know, from the  
 13 beginning we were told by the FBI that there were  
 14 problems with Minter that originated from his area  
 15 where he had a former job?

16 A. Those facts were never discussed with me  
 17 and I was not aware of them until you just mentioned  
 18 them.

19 Q. It happened. Have you ever hired anybody,  
 20 I mean, independent of this, who the FBI at their  
 21 former location had expressed grave doubts about  
 22 their integrity?

23 Have you ever hired anybody for a position  
 24 where the FBI, where they had formerly worked,  
 25 expressed grave doubts about their integrity?

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1 A. No, sir.

2 Q. We've since had the chance to take Diane  
 3 McLeod's deposition in this case. You know  
 4 Ms. McLeod I'm sure?

5 A. I do not know her.

6 Q. She's head of the CARES.

7 A. I know about her position but I do not  
 8 know her.

9 Q. She voiced on a number of statements that  
 10 she was not told the whole truth, and when I told her  
 11 what I believe the whole truth is, she said I should  
 12 have been told these things.

13 Were you ever told that Minter had  
 14 violated Mr. Kang's constitutional rights in  
 15 investigating him?

16 A. No, sir.

17 MR. KACHMAR: Object to the form.

18 Q. (By Mr. Savage) Would that have made a  
 19 difference to you? In other words, what I think is  
 20 happening to you, I know you're -- it bothers me that  
 21 this happened and it bothers me that you're in this  
 22 because Dana Braun is a really good friend of yours  
 23 and he's a good friend of mine.

24 I have a high respect for him and he has a  
 25 very high respect for you so I take it, but to be

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1 part of this thing bothers me.

2 That's not important for you. But what  
 3 I'm trying to express to you this afternoon is I want  
 4 you to understand certain things you were never told.  
 5 If you had been made aware that Mr. Kang's  
 6 constitutional rights had been violated on a number  
 7 of occasions in the investigation that led to his  
 8 termination, would you have felt comfortable being  
 9 the appeals court?

10 MR. O'CONNOR: Object to form. You can  
 11 answer subject to the objection.

12 THE WITNESS: I just need to be cautious  
 13 when you propose an "if" question because I  
 14 don't know. I mean, I can't say.

15 I don't know all the circumstances, the  
 16 facts. I haven't read anything, so I'm just  
 17 going by what you're telling me. I don't know  
 18 if that's the case or not.

19 Q. (By Mr. Savage) I'll show you. The mayor  
 20 testified in his deposition that he felt  
 21 constitutional rights had been violated of Dan Kang.

22 MR. O'CONNOR: Object to form.

23 Q. (By Mr. Savage) And let me talk about  
 24 that. I'll go to very clear things. Dan Kang was  
 25 never read his Miranda rights. The IA file where

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1 they investigated him the whole way was handed over  
 2 to his criminal prosecutors. Mayor Johnson agreed  
 3 that that should not happen. Do you know --

4 A. I am not aware of that.

5 Q. Would you feel comfortable saying I'm  
 6 going to bless this proceeding knowing he was never  
 7 given his constitutional rights and knowing this, I  
 8 mean, this is a city policy where it says that no  
 9 further administrative effort will normally be made  
 10 until the chief of police determine whether to assign  
 11 the matter for criminal investigation. That is if  
 12 there appears to be a criminal violation of the law.  
 13 The investigation of OPS may be suspended by the  
 14 chief of police promptly.

15 Did you know that from the beginning  
 16 Captain Barefield felt that there would be a criminal  
 17 prosecution of Dan Kang?

18 A. I did not know that.

19 MR. O'CONNOR: Let me make my objection.  
 20 Just pause after the question. Object to the  
 21 form. Now you can answer.

22 Q. (By Mr. Savage) I think both these  
 23 lawyers are very good lawyers, all three of them,  
 24 Patty and Pat, but I was going to say Mr. Kachmar as  
 25 well. I didn't want to cut anybody out.

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1           **But this is very troubling. Faitele is a  
2 criminal, and I know that when you talk in altruistic  
3 terms that criminals should have as much right and  
4 people that hold guns to people's heads should have  
5 as much rights as police officers and we get rid of  
6 bad police officers.**

7           **This is the policy to which I'm referring.  
8 Employees under investigation related to criminal  
9 violations will be afforded those constitutional  
10 rights guaranteed by the -- civil rights guaranteed  
11 by the constitution of the United States.**

12          **Do you know he was never read any rights  
13 but they took the IA investigations and used it to  
14 prosecute him?**

15          **MR. KACHMAR: Object to the form.**

16          **MR. O'CONNOR: Object to form.**

17          **Q. (By Mr. Savage) Would you feel  
18 comfortable sitting on appeal if his constitutional  
19 rights had been violated by him not ever having --**

20          **A. As I said before, I need to be cautious  
21 about "if" questions because I can't say. I mean, I  
22 don't know the totality of the situation.**

23          **Yes, I do agree that his constitutional  
24 rights should remain intact. He is a citizen and he  
25 deserves that.**

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1          **Q. Would you have passed on his being fired  
2 if you knew that his constitutional rights had been  
3 violated prior to the time that you heard his appeal?**

4          **A. I never heard that as any point of  
5 contention from him during his presentation, from  
6 Sergeant Arango --**

7          **Q. They're not constitutional lawyers.**

8          **A. But they should have raised that issue if  
9 they felt concern about due process, in their  
10 presentation to me anyway.**

11         **Q. So it's okay for me to pass on people's  
12 rights because you're the fall guy for the City.  
13 That's what Bates Lovett is saying. He said --**

14         **A. That comes with the job.**

15         **MR. O'CONNOR: Don't comment on debates.  
16 Just answer questions.**

17         **THE WITNESS: Okay.**

18         **MR. O'CONNOR: I will object to the form  
19 of a question that is a comment as opposed to a  
20 question.**

21         **THE WITNESS: Well, I would appreciate  
22 questions.**

23         **MR. O'CONNOR: Let him finish. Let  
24 Mr. Savage finish, then you can respond.**

25         **Q. (By Mr. Savage) Did anybody ever tell you  
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1          **Barefield, from the beginning, who was in the IA  
2 investigation prior to the chain of command hearing,  
3 had said we thought we had a possible criminal case  
4 against Kang to start with?**

5          **A. I never heard that.**

6          **Q. But you're blaming Kang. It's okay for  
7 Barefield to break internal policies. This is Policy  
8 Number 8 on Page Number 8 of the office of  
9 professional standards, role in criminal  
10 investigations.**

11         **It's okay for us to do it and it's Kang's  
12 fault, who's an aeronautical engineer, for him not to  
13 raise these things. I got it. That's what you're  
14 saying to me, right? What a city.**

15         **Now, does it bother you that he was never  
16 read his Miranda rights, assuming for the purpose of  
17 this question that Barefield said we thought we had a  
18 criminal prosecution to start with?**

19         **A. If there were -- I'm not hearing any  
20 objection. If there were pending criminal charges,  
21 yes, he should have been read his --**

22         **Q. How about if you had proposed one? That's  
23 what your policy says. Do you know your policy?**

24         **A. No, sir, I do not.**

25         **Q. Did you know it then? When you passed on  
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1          **them and said they should be fired, did you know the  
2 policies of the city police department?**

3          **A. No, I did not know them in detail.**

4          **Q. Well, did you look at them?**

5          **A. No, I did not look at those in detail.  
6 They were not presented to me.**

7          **Q. Well, whose fault is that?**

8          **A. There was no question about it.**

9          **Q. Whose fault is that? Kang's? You're  
10 fighting for your life, so it's your fault. I mean,  
11 this guy served four tours of duty to protect me and  
12 you and he got treated like hell.**

13         **Let's go over more constitutional  
14 violations. My whole point is you never should have  
15 fired this man, knowing or with any kind of  
16 diligence, knowing their constitutional rights had  
17 been wholesaled, wholesaled.**

18         **MR. O'CONNOR: Object to form.**

19         **Q. (By Mr. Savage) I mean, did you ever talk  
20 to Tim Dean who prosecuted Kang and couldn't get an  
21 indictment who admitted to us that -- I had a real  
22 problem with this whole thing. I don't know what  
23 they were doing. Did you ever hear that from the  
24 district attorney's office?**

25         **A. I did not hear anything. I was not  
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1 involved at all in any criminal investigation or any  
2 criminal charges.

3 Q. Well, you went to the news conference?

4 A. Yes, sir.

5 Q. Now --

6 A. I went to the news conference as an  
7 observer at the invitation of the mayor. I  
8 intentionally stayed away from the cameras.

9 And when the mayor motioned to me that he  
10 wanted me to say something, I shook my head and said  
11 no, I did not think that was my place.

12 Q. When the investigation is completed, did  
13 you ever know that this never happened? "Commander  
14 shall write a letter of transmittal." That's a  
15 shall.

16 Did you ever know that that obligation on  
17 the City of Savannah had never been done for these  
18 people, a letter of transmittal that outlines the  
19 charges? Did you know that when you said they should  
20 be fired?

21 A. That was not part of the package from the  
22 office of professional standards.

23 Q. Well, if you're the head knocker, you  
24 should know the policies, fair? Head guy?

25 A. As I mentioned previously, each department

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1 question.

2 Q. (By Mr. Savage) Go ahead.

3 A. My question back is why didn't they  
4 present that to me if it was such an integral issue  
5 to their defense.

6 Q. So it's their fault?

7 A. Well, equally.

8 Q. So equally then it's the police  
9 department --

10 MR. O'CONNOR: Do not debate. Your job is  
11 to answer questions. Don't take the bait and  
12 get into a debate. That's not what --

13 THE WITNESS: I don't want to debate him  
14 anyway.

15 MR. O'CONNOR: You're here to answer  
16 questions truthfully, so do that.

17 THE WITNESS: Okay.

18 Q. (By Mr. Savage) The second thing, when  
19 the investigation is completed, the Douglas Factors  
20 will be placed in the investigative file and  
21 forwarded to the OPS. Did you ever see any Douglas  
22 Factors?

23 A. I did not.

24 Q. Do you know what they are?

25 A. Yes, sir.

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1 is responsible for developing and enforcing those  
2 policies. There are, I don't know, somewhere in the  
3 neighborhood of 46 city departments. 12 of those  
4 reported to me directly. You can't expect me to know  
5 the policies of every single department.

6 Q. How about the policies of the police  
7 department which is a major department and you're  
8 passing on firing people, should you know the  
9 policies that should have been observed leading up to  
10 their firing when you pass on them?

11 A. I rely upon the office of professional  
12 standards to prepare a factual package presenting --  
13 that's internal affairs. Okay. I'll just call it  
14 internal affairs from this point forward. Everyone  
15 seems more familiar with that term.

16 So I depend upon internal affairs to  
17 present the package, the fact finding. No, that was  
18 not part of any fact finding that internal affairs  
19 presented --

20 Q. Should you have known it? We did not  
21 follow our own policies in firing this guy and we  
22 want you to pass on this. Should you have known they  
23 didn't follow their own policies?

24 A. My question is --

25 MR. O'CONNOR: Object to the form of the

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1 Q. Why didn't you say I'm not passing on an  
2 appeal? I mean, to us as lawyers -- and lawyers are  
3 not all bad. Certainly the City's lawyers are good  
4 people.

5 An appeal means that you're passing on  
6 what happened before you. Is that kind of what you  
7 were doing?

8 A. Yes.

9 Q. So if what happened before you is corrupt,  
10 how can you bless it by firing Kang? I don't get  
11 that.

12 Do you know how with a corrupt  
13 investigation that fails to follow the United States  
14 constitution, that fails to follow the internal  
15 standards of the City, that you can say they should  
16 be gotten rid of or should you not do that?

17 MR. KACHMAR: Object to the form.

18 MR. O'CONNOR: Object to form.

19 THE WITNESS: As I said before, and I know  
20 it sounds like I'm a broken record, but I can  
21 only judge based on what I saw in the material,  
22 in the package from internal affairs, and their  
23 presentation. I weighed both of them and I came  
24 to my decision.

25 Q. (By Mr. Savage) And you can them. And

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1 where does your brother work? You said he was a  
 2 police officer --  
 3 A. He's retired.  
 4 Q. From where?  
 5 A. St. Lucie County Sheriff's Department.  
 6 Q. Let me get one of the guys out of there to  
 7 see what they think of what happened here. Because I  
 8 know that you depended on this --  
 9 A. I did not talk to him about this case.  
 10 Q. I understand. You said my brother is a  
 11 police officer.  
 12 A. Yes.  
 13 Q. What was done was wrong and I wish some  
 14 people would say it was wrong. That's essentially  
 15 what Diane McLeod did, in my opinion, not in theirs,  
 16 said, you know, I didn't know these things, I wish I  
 17 had, it wasn't right.  
 18 Did you know that Minter was there being a  
 19 prosecutor in front of CARES?  
 20 MR. KACHMAR: Object to the form.  
 21 THE WITNESS: I did not know what happened  
 22 during that CARES meeting, CARES committee  
 23 meetings.  
 24 I never attended a single meeting. I  
 25 never talked to any members of the CARES  
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1 committee. I never talked to Mrs. McLeod. I  
 2 never talked to the mayor about it.  
 3 So, no, I do not know. That was within  
 4 the mayor's purview to appoint an ad hoc  
 5 committee as he has done others, as I recall,  
 6 eight in total.  
 7 Q. (By Mr. Savage) The idea is good. Minter  
 8 controls this whole city. I mean, you've got a guy  
 9 that the FBI is calling our city about, saying this  
 10 is a very suspect guy, that the FBI in Savannah gets  
 11 involved with and you guys let him lead you around by  
 12 the nose, and that's not good.

13 You know, I don't know why I have to tell  
 14 you about these FBI things. It's not good. I mean,  
 15 I'm not getting paid by the City.

16 You know or any reading would have shown  
 17 you, reading through the file, that there was never  
 18 Douglas Factors done on Kang. That's a violation of  
 19 City policy.

20 If there were no Douglas Factors done on  
 21 Kang, that's a violation of City policy. Can we  
 22 agree on that much?

23 MR. KACHMAR: Object to the form.

24 THE WITNESS: As I said, I don't know all  
 25 the circumstances.  
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1 Q. (By Mr. Savage) Should you as a judge? I  
 2 mean, judges have got to know rules. You're an  
 3 appellant judge.  
 4 A. Well, I'm sure in a courtroom the judge  
 5 depends upon both the plaintiff's attorney and  
 6 defending attorney.  
 7 Q. But he's depending on the guy knowing the  
 8 rules.  
 9 A. I'm sure.  
 10 Q. I just think it's bad to blame Kang. I  
 11 mean, you know, you have -- I don't know. I told  
 12 you, I mean, my son-in-law is Korean. I have a lot  
 13 of respect. You guys have accomplished a lot working  
 14 hard.  
 15 And I'm probably not a good lawyer for  
 16 this case. I'll put it on the record. Because I  
 17 wouldn't sue you and I probably should because I have  
 18 respect for what I know about you. But this is not  
 19 right, what went on.  
 20 I mean, at the end of my career like I am  
 21 I've got to say, you know, I'll look at the global  
 22 picture, which is what Douglas does. Mr. Monahan was  
 23 a good person but he wasn't a good person when he did  
 24 this to these people but he's basically a good  
 25 person. That's what I believe.  
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1 So it doesn't matter if the Douglas  
 2 Factors were followed or not by the City, breaking  
 3 their own rules, I still have a right to fire him,  
 4 right? Is that --  
 5 MR. O'CONNOR: Object to the form.  
 6 MR. KACHMAR: Object to the form.  
 7 Q. (By Mr. Savage) Go ahead. This is a very  
 8 bad situation.  
 9 MR. O'CONNOR: Can you clarify the  
 10 question.  
 11 Q. (By Mr. Savage) Yes. You never saw any  
 12 Douglas Factors, yet you went ahead knowing the  
 13 Douglas Factors had not been followed and you fired  
 14 him?  
 15 A. I know that during Mr. Kang's presentation  
 16 to me he went in depth in talking about his  
 17 background which I think reflected the  
 18 professionalism of his career, and even in my opening  
 19 statement in addressing both of them I told them how  
 20 tough it was on me because of their highly decorated  
 21 careers and I kept that in balance. I kept that  
 22 weight in balance with all the other factors I  
 23 considered.  
 24 Q. What's going to happen to John Q Public  
 25 when this hits? They'll try to get out on summary  
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1 judgment. That you'll be the champion of bad people,  
 2 Faitele, against good people.

3 This city is on fire with guns. Faitele  
 4 went to the government and collected \$20,000 in PPP  
 5 money? Did you know that? He made up a barbershop  
 6 that didn't exist.

7 A. I read that in a deposition that you took.

8 Q. Does that matter? Do you weigh things  
 9 like you're supposed to do on Douglas Factors, that a  
 10 guy is standing up for this country and we're going  
 11 to champion people that put guns in people's mouths,  
 12 that cheat the government.

13 He's in jail right now. He's in jail  
 14 right now for all these things. But let's get rid of  
 15 these people. The buck stopped with you in this  
 16 case.

17 A. I only consider the facts that are  
 18 presented to me.

19 Q. Are you starting to understand you didn't  
 20 get all the facts? Can you be that fair with me?  
 21 You didn't know about the Douglas Factors. You  
 22 didn't know about the letters of transmittal not  
 23 being used. You didn't know about Barefield saying  
 24 there's going to be a criminal prosecution we thought  
 25 from the beginning.

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1 MR. KACHMAR: Object to the form.  
 2 Q. (By Mr. Savage) I'm looking for somebody  
 3 to be fair, in a rough justice sense. I mean, Shawn  
 4 represents Gulfstream now. I used to represent them  
 5 for a long time, and I remember in a case that we  
 6 mock tried, Don Myer, who was general counsel at  
 7 Gulfstream, writing down on a piece of paper it's all  
 8 about rough justice, and he was right.

9 Where's the rough justice for this man?  
 10 Are you so afraid that the constituency of Faitele  
 11 was going to cause problems in the city that you  
 12 wholesale a police officer?

13 A. I did not even consider that.

14 Q. I mean, you've got the head of the CARES  
 15 committee -- let's look at this. Why don't you as  
 16 the ex-city manager go back to the city manager and  
 17 say we ought to prosecute Minter, bring him up like  
 18 we did with Kang and Arango, because Minter lied to  
 19 the CARES commission, saying that the criminal  
 20 investigation had been concluded on Kang and Arango  
 21 when it hadn't even been started. That's why he  
 22 didn't want the GBI in. The real reason he didn't  
 23 want the GBI in is because he wanted to get them and  
 24 he wanted nobody like the GBI being fair to them.  
 25 Did you understand that he lied to the CARES

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1 commission?

2 MR. KACHMAR: Object to the form.

3 THE WITNESS: I don't need to remind you  
 4 that I -- criminal charges are not within the  
 5 purview of the city manager nor the former city  
 6 manager. That would be up to the district  
 7 attorney.

8 Q. (By Mr. Savage) Here's one thing that  
 9 blew the mayor's mind that was part of this ensemble.  
 10 On the CARES commission was Michael Edwards. Michael  
 11 Edwards decided and voted to send Kang to the  
 12 district attorney's office to get him indicted and  
 13 then ended up being the prosecutor. Does that strike  
 14 you as wrong? It struck the mayor as wrong.

15 A. I think that's the district attorney's  
 16 call.

17 Q. But that's okay. So we're going to set  
 18 up -- I think Schiavone has got a good thing. Kind  
 19 of private, you know, groups that act as -- you know,  
 20 pass on people's guilt or innocence and will put on  
 21 those things district attorneys who are later going  
 22 to prosecute them. That's corrupt. Do you know that  
 23 much about the law?

24 A. No, I do not.

25 Q. That's okay. We have people like Edwards

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1 who I like. I mean, he's quick. It's a joke over  
 2 there. And the City has turned into just a joke.  
 3 It's not your fault but it's a problem with these  
 4 guns.

5 Have you ever heard of a person being on a  
 6 private commission to indict somebody who ends up  
 7 being the prosecutor?

8 MR. O'CONNOR: Object to the form.

9 Q. (By Mr. Savage) Have you ever heard of  
 10 that?

11 A. I've never heard of that but there are a  
 12 lot of things I've never heard of.

13 Q. Well, it's not funny.

14 A. I'm not saying it's funny --

15 Q. How about Minter's buddy Adrian Gates, do  
 16 you know about him?

17 MR. KACHMAR: Object to the form.

18 THE WITNESS: You asked me that during the  
 19 deposition. I do not know anything about the  
 20 former officer.

21 Q. (By Mr. Savage) Well, you facilitated the  
 22 corruption of Minter in my mind in this sense.

23 Minter is friends with him and he has a  
 24 recommendation by the chain of command to get rid of  
 25 Gates and he gives him five days.

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1        This American hero, can you give me that  
 2 much, that people that serve four tours of duty in  
 3 the Middle East are American heroes, that take fire  
 4 for our country?

5        A. He should be thanked for his duties.

6        Q. Well, you thanked him. That he gets  
 7 canned because Minter flips it. Are you aware of  
 8 Minter telling various officers, senior command  
 9 people, that I'm going to get the people that signed  
 10 that petition?

11        MR. KACHMAR: Object to the form.

12        THE WITNESS: I've heard that as a rumor  
 13 from you.

14        Q. (By Mr. Savage) Did you ask about it?

15        A. No, I did not. I'm specifically  
 16 prohibited against looking at unanimous letters and  
 17 looking at rumors.

18        Q. How about Garvin, did you talk to him as  
 19 to about what he knows about this?

20        A. Absolutely not.

21        Q. Do you trust Garvin?

22        A. I think highly of him, yes, I do.

23        Q. Did you talk to him about what you were  
 24 going to do to Kang?

25        A. Absolutely not.

GILBERT & JONES

1        Q. How long did it take you to make your mind  
 2 up that you were going to can them in favor of  
 3 Faitele?

4        A. I think I told you during my deposition I  
 5 probably spent -- first of all, I decided to make the  
 6 decision myself. Unlike Mr. Hernandez, my  
 7 predecessor, who delegated those responsibilities to  
 8 others in the office, I took it upon myself to hear  
 9 every personnel complaint.

10        And in this particular case because of the  
 11 volume, I mean, it's 75 to 90 pages of the report  
 12 from the office of professional standards, internal  
 13 affairs, I read through that report --

14        Q. Did they recommend him to be terminated?

15        A. They're only fact finding. And you know  
 16 that. I reviewed the video cam in the entirety and  
 17 then went back and looked at it a second time. So I  
 18 would say I spent approximately two hours reviewing  
 19 their case before they made their appeal to me.

20        Q. What did he do wrong in the video cam?

21        A. You want -- well, let me talk generally  
 22 about it.

23        Q. I want to talk about him. I mean, one of  
 24 my motions is going to be cut out all the cursing of  
 25 Arango. He didn't curse a lot.

GILBERT & JONES

1        A. First of all, I told you in my deposition  
 2 I was not troubled by the fact they took down  
 3 Mr. Faitele. He did not agree with their commands.  
 4 He did not show his hands. He deserved to be taken  
 5 down. I understand the risk there. I don't have an  
 6 issue with that.

7        Q. Let me ask you this. Were you part of the  
 8 group that said don't prosecute Faitele because he's  
 9 our guy?

10        A. No.

11        Q. Do you understand that that happened here?

12        A. I don't know that.

13        MR. KACHMAR: Object to form.

14        Q. (By Mr. Savage) Did you see Faitele say  
 15 to Arango if I see your daughter, I'm going to mess  
 16 her up? That's a felony. Why wasn't he prosecuted?  
 17 You're the city manager. Did you suggest he be  
 18 prosecuted?

19        A. The city manager has 14 areas of  
 20 responsibility. Prosecuting criminal cases is not  
 21 one of them.

22        Q. It's Minter who the FBI told --

23        A. No. That's the district attorney.

24        MR. O'CONNOR: Don't debate. Answer  
 25 questions.

GILBERT & JONES

1        Q. (By Mr. Savage) At that meeting I asked  
 2 Diane McLeod was it explored at all that Minter had  
 3 failed to follow policy and procedure in terminating  
 4 Kang. No. Were you ever told that?

5        MR. KACHMAR: Object to the form.

6        THE WITNESS: No, I was not.

7        Q. (By Mr. Savage) Wouldn't you like to know  
 8 that, being a fair person?

9        MR. KACHMAR: Object to the form.

10        Q. (By Mr. Savage) You have a legacy here.

11        A. I consider myself a fair person.

12        Q. Would you have liked to have known that he  
 13 failed to follow City policy in terminating him?

14        MR. KACHMAR: Object to the form.

15        THE WITNESS: Based on what you're telling  
 16 me, I did receive an incomplete picture but I  
 17 don't know that that would have changed the  
 18 outcome.

19        Q. (By Mr. Savage) So let's bless what the  
 20 City does. Let's bless what Minter who the FBI is

21 concerned about and let's let him lead us around by  
 22 the nose. Got it.

23        How about Sharif Lockett, do you know who  
 24 he is?

25        A. Only through the deposition.

GILBERT & JONES

1 Q. Lockett said it's an anti-police group put  
 2 together by the mayor. He's got a prosecutor who  
 3 ends up giving himself some business, Edwards, who  
 4 decides to have this man, Kang, prosecuted. Does  
 5 that seem right to you?

6 A. No comment.

7 Q. Under what provision does the mayor have  
 8 the right to form a CARES group?

9 A. Directly within the charter, probably no  
 10 specific authority although just under the general  
 11 category he is the head of the city. It says that  
 12 specifically in the City's charter.

13 Q. They ought to be sued. Because they never  
 14 had any type of thought pattern that knew that they  
 15 were being handed -- Minter shows up. I mean, Minter  
 16 is bad.

17 And he shows up and says this is  
 18 atrocious, this is the worst thing I've ever seen.  
 19 He never mentions that Arango's daughter is  
 20 threatened. He never mentions that Faitele is a  
 21 known criminal, that he's a menace to society.

22 Do you know how many times he tried to  
 23 choke to death his girlfriend and you guys are  
 24 championing him?

25 MR. KACHMAR: Objection.

GILBERT & JONES

1 MR. O'CONNOR: Object to the form.

2 Q. (By Mr. Savage) Do you know how many  
 3 times that --

4 MR. KACHMAR: Objection.

5 THE WITNESS: No, but you have mentioned  
 6 that previously.

7 Q. (By Mr. Savage) I would be ashamed to do  
 8 what I did to Kang, especially at the benefit of  
 9 Faitele. That's the way I was raised. And I think  
 10 that's the way you were raised. I'd be ashamed of  
 11 it.

12 But I'd stand up and say I've got a good  
 13 reputation, he's not going to do anything to me but  
 14 I'm going to stand up finally for Kang.

15 I mean, Larry calls his mother. I mean,  
 16 she's an immigrant. I mean, his brother worked  
 17 for -- what's the big thing out there in the West  
 18 Coast? Amazon? Your sister. They accomplished  
 19 something like you did.

20 Can you imagine Larry lying to her and  
 21 saying I'm a member of the city attorney's office?

22 MR. O'CONNOR: Object to form. And FYI,  
 23 he categorically denied that in his deposition  
 24 today that you were not at.

25 MR. SAVAGE: I understand that but

GILBERT & JONES

1 Ms. Kang is going to come and testify to it.

2 Q. (By Mr. Savage) What do you understand  
 3 the CARES committee did coming out of that meeting?  
 4 Recommended the prosecution of them?

5 A. I do not know.

6 Q. Did their committee meeting predate your  
 7 firing of Kang?

8 A. I do not know.

9 Q. You know, I love Bates. I think he's a  
 10 good guy, but I don't like this, where they're making  
 11 you the fall guy. And don't have any question about  
 12 that.

13 I mean, from the beginning when I talked  
 14 about this case, he said I don't care what rules we  
 15 followed or didn't follow, Monahan is who we're  
 16 sticking with.

17 You're a fall guy here. And if you think  
 18 it's okay -- do you think it's okay for them to  
 19 wholesale rules, lead him to be fired and then you  
 20 bless it?

21 We don't follow constitutional, you know,  
 22 rights that he had, we don't follow the City rules  
 23 and then we fire him, do you think that's okay?

24 We fire you for not following our rules  
 25 when we don't follow any of our rules. Is that what

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1 our city is about? You think that's okay?

2 MR. KACHMAR: Object to the form.

3 THE WITNESS: No comment.

4 MR. O'CONNOR: Hang on.

5 Q. (By Mr. Savage) No, no comment is not  
 6 good enough.

7 MR. O'CONNOR: Object to the form. Go  
 8 ahead.

9 THE WITNESS: One, the city manager's  
 10 responsibility is to hear appeals, employee  
 11 appeals.

12 Q. (By Mr. Savage) But you need to make sure  
 13 that what led to the appeal was done fairly, fair?  
 14 Sir?

15 A. Completion of facts would be helpful.

16 Q. Huh?

17 A. Completion of facts would be helpful.

18 Q. Whose job is that?

19 A. That is in the preparation of the fact  
 20 finding by the office of professional standards,  
 21 internal affairs.

22 Q. Did they tell you we broke all our rules?  
 23 We broke our rule on no letter of transmittal. We  
 24 broke our rule on no Douglas Factors. We broke our  
 25 rule on going forward with an investigation, knowing

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1 this would lead to criminal charges. We broke our  
 2 rule not allowing these guys to appeal to a citizen's  
 3 committee because they had pending criminal charges,  
 4 they couldn't do that. Should you have known all  
 5 that?

6 MR. KACHMAR: Object to the form.

7 MR. O'CONNOR: Object to form.

8 THE WITNESS: I can only consider the  
 9 facts that are presented to me, including from  
 10 these two gentlemen, these two officers, former  
 11 officers.

12 Q. (By Mr. Savage) I mean, I never heard of  
 13 this kind of stuff. Minter is under the gun. Six of  
 14 ten captains said he's bad. The FBI said he's bad.

15 Have you ever talked to Hernandez about  
 16 what he was involved in here?

17 A. No.

18 MR. KACHMAR: Object to the form.

19 Q. (By Mr. Savage) He lied, Minter, saying  
 20 that the criminal investigation to them had been over  
 21 so we don't need the GBI in.

22 Did you know Diane McLeod said why don't  
 23 you bring the GBI in?

24 MR. KACHMAR: Object to the form.

25 MR. O'CONNOR: Hold on. It is

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1 inappropriate to ask the witness to comment on  
 2 the veracity of another witness's testimony.

3 Q. (By Mr. Savage) The question stands.

4 MR. O'CONNOR: Go ahead.

5 THE WITNESS: Ask it again.

6 Q. (By Mr. Savage) He lied to the --

7 A. Not the statement. What was the question?

8 Q. That's the question. Did you know that he  
 9 lied to them, saying the criminal investigation of  
 10 Kang and Arango is concluded so we don't need the  
 11 GBI, knowing that the criminal investigation --

12 MR. KACHMAR: Object to the form.

13 THE WITNESS: No, sir, I don't know  
 14 anything he presented to the CARES committee.

15 Q. (By Mr. Savage) Was he on the CARES  
 16 committee?

17 A. I do not know.

18 Q. Should he be there? I mean, he controlled  
 19 you guys.

20 A. I mean, I do not know how he -- I do not  
 21 know what form he participated other than he appeared  
 22 to --

23 Q. You know McLeod?

24 A. -- and I only know that from the  
 25 deposition.

GILBERT & JONES

1 Q. Why am I having to spend all this money to  
 2 tell you that it's essentially an unfair process?

3 Was this a secret committee? Do you know  
 4 Minter told Sharif Lockett you'd better not say  
 5 anything about what happened here?

6 MR. KACHMAR: Object to the form.

7 Q. (By Mr. Savage) Is that the way the City  
 8 conducts business?

9 A. I do not know anything about that  
 10 committee's activities, questions, areas of  
 11 interests, areas of focus. I do not know anything  
 12 about --

13 Q. I think it's illegal. I mean, that's why  
 14 he asked you is there anything in the City charter  
 15 allowed them to do this.

16 MR. O'CONNOR: If there's a question, you  
 17 can answer it.

18 Q. (By Mr. Savage) And the really lousy  
 19 thing is what they're going to do in this case, if  
 20 Minter gets stuck in it, in the end the City is going  
 21 to say I'm not sure you've got coverage.

22 And I'm not going to do that to you. You  
 23 have a better reputation. But what they would do to  
 24 you if they brought a lawsuit -- if they want to do  
 25 it, I'll recommend to them not but I'm not going to

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1 do it. Is they'll say I'm not sure you've got  
 2 coverage. That's what Blackburn used to do.

3 In other words, all these CARES committee  
 4 people who recommend with the sitting -- I'm sorry,  
 5 recommend with Michael Edwards on the commission  
 6 who's going to be a prosecutor in this case, he  
 7 prosecutes him and he's on the CARES committee. Does  
 8 that strike you as fundamentally wrong?

9 MR. O'CONNOR: Object to form.

10 THE WITNESS: I would be concerned about  
 11 that.

12 Q. (By Mr. Savage) Yes. And I like Edwards.  
 13 I mean, I think he's basically a good person but I  
 14 don't like what happened here.

15 But they're all going to say -- if they  
 16 fire me and get another lawyer and sue you, they're  
 17 going to say I don't know if you've got coverage.  
 18 Great place.

19 Now, here is Sharif Lockett, which is post  
 20 your deposition, Michael Edwards was also on the  
 21 CARES committee but did not specifically remember if  
 22 he was there on that particular day. I have a roster  
 23 now.

24 The CARES committee was anti-police.  
 25 That's the way they got prosecuted. A lot of

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1 disagreements by many of the members.

2 Did you know that Lockett considered this  
3 was -- I guess it's like Portland or Seattle kind of  
4 a branch in our city, that they're anti-police, get  
5 rid of policing?

6 A. As I said previously, I know nothing about  
7 the CARES committee other than what you've told me  
8 and what I read in depositions.

9 I did not know about any matters the  
10 committee discussed, its area of focus, its' areas of  
11 concerns. I didn't know any of that.

12 Q. So you've looked at the tape, I mean, the  
13 body cam?

14 A. Yes, sir. Yes, I have. I have not looked  
15 at it in probably, I don't know, two and a half years  
16 or so.

17 Q. Did you know that in order to get, what's  
18 that stuff, 404B, stuff to really try to conspire,  
19 Minter went back and got tape of a guy named Parnell  
20 Drayton that had been passed on by the City and dug  
21 it up and handed it over to the city prosecutor to  
22 get similar acts, where the City had already said  
23 that's okay. That's how much Minter wanted to get  
24 these guys. Did you know he did that?

25 MR. KACHMAR: Object to the form.

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1 THE WITNESS: No, sir.

2 Q. (By Mr. Savage) We're about to witness  
3 one of the most atrocious things I've ever seen in my  
4 police career.

5 Should Minter be in the CARES committee?  
6 Do they have any rules where Minter is in there  
7 saying we're about to witness the most atrocious  
8 thing -- I said in law enforcement, and Lockett says  
9 he believed that they objectively were reasonable in  
10 their behavior, but you don't believe that?

11 A. As I said previously, I don't know what  
12 happened in the CARES committee. I was not part of  
13 that. That was part of the legislative functions of  
14 the mayor. That did not involve the city manager's  
15 office.

16 Q. I thought it was a city manager  
17 government. Can they get these private groups to  
18 recommend against other citizens that they be  
19 prosecuted and you don't know about it?

20 A. It's called a council manager form of  
21 government and the manager is the chief executive  
22 officer.

23 He's not involved in the legislative  
24 affairs of the city intentionally. And I've been in  
25 local government for 30 plus years and it's not

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1 unusual for a chairman or a mayor to appoint an ad  
2 hoc committee to take a look at special issues.

3 I mean, I can think of dozens of examples  
4 in my period, going back to Charlie Brooks and the  
5 Chatham County commission, appointing the air quality  
6 task force, recreational task forces. I mean, they  
7 call them task forces.

8 I don't know what -- they just called it  
9 the CARES committee. The mayor just called it the  
10 CARES committee. You know, CARES is probably an  
11 acronym for something. I have no idea what it means.

12 Q. Well, how about is our city supposed to  
13 keep things secret? You know, Minter told Sharif  
14 Lockett not to say anything about what happened in  
15 the CARES committee. Is that what we're about in the  
16 city or is that a problem?

17 MR. O'CONNOR: Object to the form.

18 MR. KACHMAR: Object to the form.

19 Q. (By Mr. Savage) You've got a CARES  
20 committee. He tells -- he's Lockett's boss. Don't  
21 you say a damn thing about what happened in this  
22 meeting. Is that okay?

23 MR. KACHMAR: Object to form.

24 THE WITNESS: I don't know of any

25 communication between the former chief and any  
GILBERT & JONES

1 member of the department. I do not know.

2 Q. (By Mr. Savage) Should he have told him  
3 that? I mean, it's a city committee meeting. Don't  
4 mention a thing. It's going to be secret.

5 MR. KACHMAR: Object to the form.

6 Q. (By Mr. Savage) Minter shouldn't have  
7 even been there. There was no discussion by Minter  
8 who shows up and says that he didn't follow official  
9 policies in presenting the claim and having these  
10 guys fired. He never told you that either.

11 Would you agree with Lockett, that that  
12 wasn't a good thing, that he knows he didn't follow  
13 the policies, he has these guys fired not following  
14 his own policies and he never reveals that to you as  
15 the appeals judge? Is that okay?

16 A. I will agree he never said anything to me.

17 Q. Was that right? Take a stance. I mean,  
18 you have a chance to give some salvation to people  
19 that are down. I would love to be in your shoes.

20 A. I made my decision.

21 Q. And damn if I ever revisit it, right?

22 There's no discussion by Minter that he failed to  
23 give a letter of transmittal. You never knew that,  
24 did you?

25 A. I did not.

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1 Q. You should have known, right?  
 2 MR. KACHMAR: Object to the form.  
 3 Q. (By Mr. Savage) Well, you know.  
 4 A. That's a no.  
 5 Q. No, you shouldn't have known? I got it.  
 6 It's their job. Have you ever heard of the City  
 7 firing somebody while they violate their  
 8 constitutional rights?  
 9 MR. KACHMAR: Object to the form.  
 10 THE WITNESS: No, I do not.  
 11 Q. (By Mr. Savage) Shouldn't do that, should  
 12 you?  
 13 A. I think every citizen deserves their  
 14 constitutional rights.  
 15 Q. So the answer to my question is, no, you  
 16 shouldn't fire a person if you violate their  
 17 constitutional rights in the process --  
 18 A. I just prefer it the way I stated it.  
 19 Q. Well, I want you to say it for real. I  
 20 mean, I --  
 21 A. No comment.  
 22 Q. Okay. Did anybody ever mention to you  
 23 that he had PTSD, that he had been shot at six times  
 24 representing this city? And there's no Douglas  
 25 Factors. To hell with that, Savage.

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1 A. He mentioned it. He presented it.  
 2 Q. What did you put in that, that they  
 3 violated City policy? You understand they violated  
 4 the City policy, and if you had done your homework,  
 5 you would have known that at the time, right?  
 6 MR. KACHMAR: Object to the form.  
 7 Q. (By Mr. Savage) Sir?  
 8 A. No comment. You're expecting me to know  
 9 things I can't possibly know if not presented to me.  
 10 Q. Would you have liked to have known that?  
 11 MR. KACHMAR: Object to the form.  
 12 THE WITNESS: I would like to know all the  
 13 facts before I make a decision.  
 14 Q. (By Mr. Savage) Well, that's one of the  
 15 facts, isn't it, they didn't follow policy; fair or  
 16 no?  
 17 A. I don't know.  
 18 Q. Well, I'm asking you to assume that they  
 19 didn't follow policy. I've got Garvin's deposition  
 20 right here. He says it. Do you have respect for  
 21 Garvin?  
 22 A. Once again when you say if or assume, I  
 23 can't respond.  
 24 Q. I think a judge will make you respond. I  
 25 want you to assume that here's your guy. The guy in

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1 the streets is going to say how worst does a city  
 2 get. This is a good person and the responsibility  
 3 was with you.  
 4 I would feel like hell if I were you, what  
 5 you did to this man. But that doesn't seem to bother  
 6 you.  
 7 There's your guy. Let's champion him but  
 8 screw these people. And it's a direct result of one  
 9 of the things that you did to these officers who have  
 10 stellar careers.  
 11 You admit they had stellar careers? Do  
 12 you know one thing this man did wrong in the how many  
 13 years? Seven? Look at them, what you did to him.  
 14 MR. O'CONNOR: Objection.  
 15 THE WITNESS: I acknowledged it.  
 16 Q. (By Mr. Savage) But you just followed  
 17 Minter's lead. Did you ever read these? You're the  
 18 head guy. Can you imagine a judge being on there and  
 19 saying I don't know the rules I'm supposed to follow.  
 20 You didn't know the rule that there's  
 21 supposed to be, when the investigation is committed,  
 22 there be a letter of transmittal and complete Douglas  
 23 Factors. You let Minter lead you around by the nose.  
 24 I would never feel proud of that.  
 25 MR. O'CONNOR: Object to the form.

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1 Q. (By Mr. Savage) Since you don't know the  
 2 rules, let me go through them more with you. The  
 3 letters of transmittal. Was there anything  
 4 prohibiting you from looking at the rules?  
 5 Did you ask anybody what rules were they  
 6 supposed to follow before I become the head  
 7 executioner?  
 8 A. Wanting to phrase it in the terms of an  
 9 executioner, that is just -- I don't even want to  
 10 comment.  
 11 Q. Well, ask him (indicating). You don't  
 12 know him. I would feel like hell if I did this to  
 13 another human being.  
 14 The letter of transmittal and Douglas  
 15 Factors recommended disciplinary action shall be  
 16 forwarded to the OPS for record keeping purposes.  
 17 That wasn't in the file you got from OPS. But you  
 18 don't know the rules so you wouldn't know that you  
 19 didn't get it.  
 20 MR. O'CONNOR: Object to the form.  
 21 THE WITNESS: Did either of these two  
 22 gentlemen present that to me?  
 23 Q. (By Mr. Savage) It's their fault. Let's  
 24 blame everybody else. Let's not take  
 25 self-responsibility. That's the kind of people that

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1 got this country in trouble.

2 Let's not take that I didn't follow the  
3 rules, that I didn't know the rules. It's their  
4 fault.

5 Can you imagine what it was like to be a  
6 proud person? He's an aeronautical engineer here.  
7 This city has had -- you went with Faitele who's a  
8 liar, a criminal, who tried to strangle his  
9 girlfriend to death twice, and you ruined his life.

10 A. I upheld the decision of the chief of  
11 police --

12 Q. Well, he's corrupt. Did you know that?

13 MR. KACHMAR: Object to the form.

14 Q. (By Mr. Savage) Would you consider people  
15 who don't follow the rules corrupt, who takes people  
16 like Gates and let them go on when he's visiting  
17 drugs and guns in their neighborhoods? Did Minter  
18 ever explain that to you?

19 MR. KACHMAR: Object to the form.

20 THE WITNESS: I don't know Chief Minter  
21 other than through his work as a chief in my 18  
22 months with the City of Savannah --

23 Q. (By Mr. Savage) Well, why did you take  
24 his word for these things?

25 Let's talk about Todd. These guys got to  
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1 have their head on a swivel. Because every time I  
2 take a senior officer they're telling me  
3 repeatedly -- and they're not used to this.

4 They're great lawyers, all of them, all  
5 three of them. They're saying we broke all our  
6 rules. I'm saying, well, why the hell didn't Monahan  
7 know these things? They said I don't know. If I'm  
8 the judge, I want to know the rules. Does that make  
9 sense to you?

10 A. If you're a judge.

11 Q. What were you? I think that they had  
12 every right to retain that young man, to detain him.  
13 Do you agree with that?

14 I mean, you don't have any basis to say  
15 this. You don't know what you're doing in cop work,  
16 do you?

17 A. I don't understand the question.

18 Q. Well, you don't read the rules, what the  
19 police department is. I mean, what right did you  
20 have to be the ultimate judge?

21 A. Because it was a personnel appeal and  
22 that's the city manager's responsibility.

23 Q. Why haven't they been given their rights  
24 to go -- there's a process beyond that; is there not?  
25 Citizen review panel?

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1 A. Yes.

2 Q. You understand that was taken away from  
3 them, don't you?

4 MR. KACHMAR: Object to the form.

5 MR. O'CONNOR: Object to the form.

6 THE WITNESS: I don't know that they  
7 pursued it.

8 Q. (By Mr. Savage) Did you tell them you had  
9 a right to go? Or were you one of the guys who said  
10 because you're under criminal prosecution you don't  
11 have a right to go to the citizen review panel?

12 MR. O'CONNOR: Object to the form.

13 THE WITNESS: You know I wouldn't say  
14 anything like that.

15 Q. (By Mr. Savage) I don't believe you would  
16 but I don't know.

17 Is every person, including the police  
18 chief, required to follow policy? Did you know when  
19 you hung these guys out to dry that he hadn't  
20 followed all these policies or am I the guy that had  
21 to tell you?

22 MR. KACHMAR: Object to the form.

23 Q. (By Mr. Savage) Sir?

24 A. You're the one who's telling me based on  
25 your interpretation.

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1 Q. But you tell me. You look at this. Did  
2 they follow this rule when Barefield says we consider  
3 they're going to have criminal problems? This is  
4 Rule 8A, B, and C. Did they follow this rule? Take  
5 your time and read it. It's the first time you're  
6 reading it, isn't it?

7 A. I'll go back to my original comment. If  
8 they felt as though their due process was violated,  
9 why didn't they bring that up during the hearing.

10 Q. It's their fault. Don't blame me who's  
11 got their life in their hands. Don't blame me. I  
12 hate that type of behavior. I don't want to accept  
13 responsibility. Don't blame me for not knowing the  
14 rules. It's your fault. You are in a situation in  
15 your life where you're struggling. They put you on  
16 the front of the paper. It's their fault.

17 A. Mr. Kang presented a rather detailed  
18 PowerPoint presentation. I can't say I remember all  
19 the details of it, but I do remember I was impressed  
20 because that's the first time I've ever seen one in  
21 any sort of administrative appeal.

22 Q. Were you afraid of Minter?

23 A. No.

24 Q. Do you plan to call Hernandez or the city  
25 attorney's office about this FBI thing I'm telling

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1 you?

2 A. I don't even know how to get in touch with  
3 the former city manager. The only time I've seen  
4 Chief Minter was I ran the Run For Heros run in  
5 Pooler and I saw him for probably all of 30 seconds.

6 Q. Do you know they were misled by the person  
7 at the apartment complex and told that Khalil Kelly  
8 was in the place where actually Faitele was? Did  
9 that factor into your thinking at all?

10 A. I remember a point in the video with the  
11 body camera on, when they approached a gentleman, and  
12 I don't know who he was, and asked about Kelly, and I  
13 do remember he pointed and said something about he's  
14 up there.

15 I don't remember all the details. Like I  
16 said, it's probably been three years since I've --

17 Q. Did you talk to that guy?

18 A. No. Why would I talk to him?

19 Q. Why would you read the rules? I mean, I  
20 think those are basic things. Did you ever read the  
21 policies and procedures used to can Dan Kang before  
22 you canned him? Yes or no? That's an easy question.

23 A. As I have told you before -- no, there's  
24 no such thing as easy questions with you. As I told  
25 you before, there are more than 50 departments with

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1 their own set of procedural requirements, protocols,  
2 rules. No, I did not read all of them. I did not  
3 read --

4 Q. Did you read any of them?

5 A. I read the City's manual, yes.

6 Q. Is that the police manual?

7 A. No. That's the human resources.

8 Q. Did you read the points that applied to  
9 them? That would have been Douglas Factors, Lotts  
10 Factors, if you think there's a criminal  
11 investigation, you stop.

12 A. You've asked me that before and I've  
13 answered it previously.

14 Q. Yes. Okay. This was graduated  
15 punishment. Now, you like Gavin, right?

16 A. I respect him.

17 Q. Would it have bothered you if Minter told  
18 Gavin that anybody who signed that petition is never  
19 going to be promoted?

20 MR. KACHMAR: Object to the form.

21 Q. (By Mr. Savage) Would that bother you?

22 MR. KACHMAR: Object to the form.

23 Q. (By Mr. Savage) Do you think you should  
24 have known that?

25 MR. KACHMAR: Object to the form.

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1 THE WITNESS: As I recall reading

2 now-Assistant Chief Gavin's deposition, that's  
3 not what he said.

4 Q. (By Mr. Savage) Are you proud of what you  
5 did to Kang?

6 A. No comment.

7 Q. No. I want you to answer the question.

8 A. No comment. Proud has nothing to do with  
9 it. Pride has nothing to do with this issue.

10 Q. Would you do it again knowing what you  
11 know today?

12 A. Yes, sir.

13 Q. Wow. That they didn't follow any of the  
14 rules, that they broke the constitution. What a  
15 great American.

16 MR. KACHMAR: Object to the form.

17 Q. (By Mr. Savage) You would do it again?  
18 Is that what you're telling me?

19 MR. O'CONNOR: Object to the form.

20 THE WITNESS: I would reach the same  
21 conclusion.

22 Q. (By Mr. Savage) Based on what? It's okay  
23 in this city to break rules, break the constitution  
24 of the United States to fire people and then I,  
25 Monahan, will absolve you and say it's okay?

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1 MR. O'CONNOR: Object to form.

2 MR. KACHMAR: Object to the form.

3 Q. (By Mr. Savage) You can never do that and  
4 break the constitutional rights of people and then  
5 fire them.

6 A. Are you asking me a question?

7 Q. Can you do that, break their  
8 constitutional rights in the process and then fire  
9 them based on breaking their constitutional rights  
10 that lead you to that conclusion?

11 MR. O'CONNOR: You've asked that  
12 question --

13 MR. KACHMAR: Object to the form.

14 MR. SAVAGE: I'm done.

15 MR. O'CONNOR: -- three or four times.

16 He's answered it over and over. We are actually  
17 covering a lot of the same ground we covered in  
18 the first one, but we're trying to get through  
19 this.

20 Object to the form. Answer it if you can  
21 and let's move on.

22 Q. (By Mr. Savage) What a city. You absolve  
23 people who break constitutional rights and say I'm  
24 going to fire him anyhow.

25 Do you know anything about the

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1 constitution of this country?  
 2 A. Yes, sir. I happen to know a lot about  
 3 the constitution.  
 4 Q. Was it right to not advise them of their  
 5 Miranda rights when they knew they were going to  
 6 prosecute them? No. Do you know that much about the  
 7 constitution?  
 8 MR. KACHMAR: Object to the form.  
 9 Q. (By Mr. Savage) That's in the police  
 10 department procedure, that you should stop the  
 11 investigation unless you get special permission from  
 12 the police to continue it?  
 13 A. I've not been in the classroom in a long  
 14 time but I think that's the Fourth Amendment.  
 15 Q. Assume that happened and that that's okay  
 16 for you then to fire them, if they --  
 17 A. Referring to counsel. I don't want to get  
 18 into a debate with you about it.  
 19 Q. Well, I want you to answer the question.  
 20 A. What is the question?  
 21 Q. The question is it's okay to fire them  
 22 knowing, assuming that they violated the  
 23 constitution --  
 24 A. There you go again. I said no if's and no  
 25 assuming. That's not fair to me. That's not fair to

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1 the collection of facts. You're asking just a wild  
 2 question.  
 3 Q. I'm asking the questions that are all the  
 4 facts.  
 5 MR. KACHMAR: Object to the form.  
 6 THE WITNESS: No comment.  
 7 MR. SAVAGE: Well, I'm going to adjourn  
 8 the deposition and seek a court order to get him  
 9 to answer questions. He's not going to run  
 10 me --  
 11 MR. O'CONNOR: Hold on. Let me handle  
 12 this part.  
 13 What question do you contend he's not  
 14 answering?  
 15 MR. SAVAGE: The question is that if he  
 16 knows -- because he doesn't read anything. He  
 17 didn't read the rules --  
 18 MR. O'CONNOR: Brent, just ask the  
 19 question without giving a speech.  
 20 MR. SAVAGE: -- which is was it okay not  
 21 to read him his Miranda rights, to have him sign  
 22 a Garrity.  
 23 Q. (By Mr. Savage) Do you know what Garrity  
 24 is? That you wouldn't use anything against him. And  
 25 break it and send it over to the district attorney.

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1 What's Garrity say?  
 2 MR. O'CONNOR: I'm going to object to the  
 3 part up to what does Garrity say. Go ahead, if  
 4 you know.  
 5 THE WITNESS: No, I don't know.  
 6 Q. (By Mr. Savage) And you're the judge.  
 7 Garrity says that you've got to answer our questions  
 8 but nothing will be used against you.  
 9 What your friend Minter did is take what  
 10 was done by IA and hand it over to the district  
 11 attorney, in direct violation of Garrity. But you  
 12 don't do anything about him.  
 13 MR. KACHMAR: Object to the form.  
 14 THE WITNESS: When you refer to him as my  
 15 friend, we had a professional relationship.  
 16 That was it.  
 17 Q. (By Mr. Savage) He's a disgrace and you  
 18 know it. Have you ever seen a situation where he  
 19 serves a period of months and six out of eight  
 20 captains, six out of ten captains sign a petition  
 21 against him?  
 22 A. I interviewed those captains.  
 23 Q. Where are those notes?  
 24 A. Those notes are in the City's files.  
 25 Q. He was aware of all this stuff. Have you

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1 read Dekmar's deposition, their expert?  
 2 A. He was not aware that I was interviewing  
 3 the captains.  
 4 Q. No, no. The chief was aware of the  
 5 petitions against him. He never should have been  
 6 involved.  
 7 You think I could bring a complaint to the  
 8 JQC, Judicial Qualifications Commission, and that  
 9 judge sit on my cases? Would that seem fair to you?  
 10 MR. KACHMAR: Object to the form.  
 11 THE WITNESS: I do not know that he read  
 12 the petition or know about any of the names on  
 13 the petition. Yes, he was aware because it was  
 14 in the media.  
 15 Q. (By Mr. Savage) It was on TV stations.  
 16 A. I got a call from WTOC. I got a call from  
 17 WSAV. I'm assuming if they called me they called the  
 18 chief.  
 19 Q. Dekmar, your expert that they're paying  
 20 for for your former city, said that if he didn't know  
 21 it and the city manager didn't bring it to his  
 22 attention and make him read the thing, something is  
 23 wrong with the city.  
 24 Don't you want to learn if you have all  
 25 these people, 70-something officers, why didn't you

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1 bring it to his attention?

2 A. 78 officers. As I told you previously, I  
3 discussed it with the human resources director. We  
4 talked about a path forward. That was to bring in an  
5 objective outside investigator.

6 Q. Let's spend \$80,000 with her.

7 A. And I told you previously I did not know  
8 how much it cost. That was handled through the human  
9 resources department.

10 MR. SAVAGE: He's going to trial. I  
11 wouldn't sleep at night but I'm a different  
12 person than you and you're a different person  
13 than I thought you were. Take care of yourself.  
14 At least say I'm sorry I did something to you,  
15 Kang.

16 MR. O'CONNOR: This is not the time for  
17 that.

18 (Deposition concluded at 4:33 p.m.)

19 (Pursuant to Rule 30(e) of the Federal Rules of Civil  
20 Procedure and/or O.C.G.A. 9-11-30(e), signature of  
21 the witness has been reserved.)

GILBERT & JONES

58  
1 CERTIFICATE OF COURT REPORTER  
2  
3 STATE OF GEORGIA:  
4 COUNTY OF CHATHAM:  
5  
6 I hereby certify that the foregoing transcript was  
7 reported as stated in the caption and the questions  
and answers thereto were reduced to writing by me;  
that the foregoing 57 pages represent a true,  
8 correct, and complete transcript of the evidence  
given on Thursday, April 13, 2023, by the witness,  
9 PATRICK MONAHAN, who was first duly sworn by me.  
I certify that I am not disqualified  
10 for a relationship of interest under  
O.C.G.A. 9-11-28(c); I am a Georgia Certified Court  
11 Reporter here as an employee of Gilbert & Jones, Inc.  
who was contacted by Savage Turner to provide court  
12 reporting services for the proceedings; I will not be  
taking these proceedings under any contract that is  
prohibited by O.C.G.A. 15-14-37(a) and (b) or  
Article 7.C. of the Rules and Regulations of the  
13 Board; and by the attached disclosure form I confirm  
that neither I nor Gilbert & Jones, Inc. are a party  
14 to a contract prohibited by O.C.G.A. 15-14-37(a) and  
(b) or Article 7.C. of the Rules and Regulations of  
the Board.

This 20th day of April, 2023.

*Mynjuan Jones*

23 Mynjuan Jones, RPR, B-1422

GILBERT & JONES

2 I, Debbie Gilbert, do hereby disclose pursuant to  
Article 10.B of the Rules and Regulations of the  
3 Board of Court Reporting of the Judicial Council of  
Georgia that Gilbert & Jones was contacted by Savage  
4 Turner to provide court reporting services for these  
proceedings and there is no contract that is  
5 prohibited by O.C.G.A. 15-14-37(a) and (b) or  
Article 7.C. of the Rules and Regulations of the  
6 Board for the taking of these proceedings.  
There is no contract to provide reporting services  
7 between Gilbert & Jones, Inc., or any person with  
whom Gilbert & Jones, Inc., has a principal and  
8 agency relationship nor any attorney at law in this  
action, party to this action, party having a  
9 financial  
interest in this action, or agent for an attorney at  
10 law in this action, party to this action, or party  
having a financial interest in this action. Any and  
11 all financial arrangements beyond our usual and  
customary rates have been disclosed and offered to  
12 all parties.

This 20th day of April, 2023.

*Debbie Gilbert*

13  
15 Debbie Gilbert, FIRM  
16 REPRESENTATIVE  
17 Gilbert & Jones, Inc.

18 GILBERT & JONES

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1 1 DEPOSITION OF: PATRICK MONAHAN /mpj  
2 I do hereby certify that I have read all  
questions propounded to me and all answers given by  
3 me on April 13, 2023, taken before Mynjuan Jones, and  
that:  
4  
5 1) There are no changes noted.  
5 2) The following changes are noted:  
6 Pursuant to Rule 30(e) of the Federal Rules of  
Civil Procedure and/or the Official Code of Georgia  
7 Annotated 9-11-30(e), both of which read in part:  
Any changes in form or substance which you desire to  
make shall be entered upon the deposition...with a  
statement of the reasons given...for making them.  
Accordingly, to assist you in effecting corrections,  
please use the form below:  
10 Page No. \_\_\_ Line No. \_\_\_ should read: \_\_\_\_\_  
11  
12 The reason for the change is: \_\_\_\_\_  
13 Page No. \_\_\_ Line No. \_\_\_ should read: \_\_\_\_\_  
14  
15 The reason for the change is: \_\_\_\_\_  
16 Page No. \_\_\_ Line No. \_\_\_ should read: \_\_\_\_\_  
17  
18 The reason for the change is: \_\_\_\_\_  
19 Page No. \_\_\_ Line No. \_\_\_ should read: \_\_\_\_\_  
20  
21 The reason for the change is: \_\_\_\_\_  
22 Page No. \_\_\_ Line No. \_\_\_ should read: \_\_\_\_\_  
23  
24 The reason for the change is: \_\_\_\_\_  
25 GILBERT & JONES

## EXHIBIT 22

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1 DEPOSITION OF: PATRICK MONAHAN /mpj  
2 Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_  
3 The reason for the change is:  
4 \_\_\_\_\_  
5 Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_  
6 The reason for the change is:  
7 \_\_\_\_\_  
8 Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_  
9 The reason for the change is:  
10 \_\_\_\_\_  
11 Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_  
12 The reason for the change is:  
13 \_\_\_\_\_  
14 Page No. \_\_\_\_ Line No. \_\_\_\_ should read: \_\_\_\_\_  
15 The reason for the change is:  
16 \_\_\_\_\_

17 If supplemental or additional pages are necessary,  
18 please furnish same in typewriting annexed to this  
deposition.

19 PATRICK MONAHAN

20 Sworn to and subscribed before me,  
21 This the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

22 Notary Public  
23 My commission expires: \_\_\_\_\_

24 Please forward corrections to:  
25 Gilbert & Jones  
P. O. Box 14515  
Savannah, GA 31416  
(912) 264-1552

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